

Print

Eastpointe, MI Code of Ordinances

## **CHAPTER 871 Tattoo Parlors**

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### ***CROSS REFERENCES***

- Tattooing of hogs - see M.C.L.A. Sec. 287.26
- Tattooing of dogs - see M.C.L.A. Secs. 287.301 et seq.
- Licensing in general - see B.R. & T. Ch. 802

### **871.01 SHORT TITLE.**

This chapter shall be known and may be cited as the "Tattoo Parlor Ordinance of the City of Eastpointe" and will be referred to herein as "this chapter."

(Ord. 787. Passed 8-25-92.)

### **871.02 DEFINITIONS.**

As used in this chapter, unless the context requires a different meaning:

(a) "Body piercing" means the perforation of human tissue other than an ear for a non-medical purpose.

(b) "Employee" means any person over eighteen years of age who renders any service in connection with the operation of a tattoo parlor and who receives compensation from the operator of the parlor or patrons thereof.

(c) "Owner" and "operator" mean a person who owns or controls the operation of a tattoo parlor. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations or any combination of individuals of whatever form or character.

(d) "Patron" means any person over eighteen years of age who receives a tattoo or body piercing under circumstances where it is reasonably expected that he or she will pay money or give any other consideration therefor. However, a patron who receives body piercing and is less than eighteen years of age must have written parental consent before said service can be performed.

(e) "Tattoo parlor" means any place or establishment where tattooing or body piercing is made available.

(f) "Tattooing" means the creation of an indelible mark or figure upon the human body by insertion of pigment into or under the skin or by the production of scars.

(g) "Tattooist" means any person who engages in the practice of tattooing or body piercing.

(Ord. 787. Passed 8-25-92; Ord. 935. Passed 12-16-03.)

### **871.03 LICENSES REQUIRED.**

(a) Business License. No owner-operator shall engage in or carry on the operation of a tattoo parlor without first obtaining an annual valid tattoo business license issued by the City pursuant to this chapter for each separate office or place of business conducted by such owner-operator.

(b) Tattooist License. No person shall practice tattooing as a tattooist, without first obtaining an annual valid and subsisting tattooist's license pursuant to this chapter.

(Ord. 787. Passed 8-25-92; Ord. 935. Passed 12-16-03.)

### **871.04 LICENSE APPLICATIONS.**

(a) Business License. Any owner or operator desiring a tattoo business license shall file a written application with the City Clerk, on a form to be furnished by the City Clerk. The applicant shall accompany the application with a tender of the correct license fee, which fee shall not be refundable and shall furnish the following information:

- (1) The type of ownership of the business, i.e. whether an individual, partnership, corporation or otherwise;
- (2) The name, style and designation under which the business or practice is to be conducted;
- (3) A complete list annually of the names and residence addresses of all tattooists and employees in the business, and the name and residence of the manager or other person principally in charge of the operation of the business;
- (4) The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than ten percent of the stock, each officer and each director, if a corporation; concerning the partners, including limited partners, if a partnership; and concerning the manager or other person principally in charge of the operation of the business:
  - A. The name, complete residence address and residence telephone number;
  - B. The two previous addresses immediately prior to the present address of the applicant;
  - C. Written proof showing date of birth;
  - D. Height, weight, color of hair and eyes and sex;
  - E. Two front-face portrait photographs taken within thirty days of the date of the application, at least two inches by two inches in size;
  - F. The similar business history and experience, including, but not limited to, whether or not such person, in previously operating in this or another city or state under a license or permit, has had such a license or permit denied, revoked or suspended, the reason therefor and the business activities or occupations subsequent to such action of denial, suspension or revocation;
  - G. All criminal convictions, other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof; and
  - H. A complete set of fingerprints taken and to be retained on file by the Police Chief or his or her authorized representative.
- (5) Authorization for the City and its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit;
- (6) The names and addresses of three adult residents of the County who will serve as character references. These references must be persons other than relatives and business associates.
- (7) A written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct. Such declaration shall be duly dated and signed in the City.

(8) A Certificate of Membership from the Alliance of Professional Tattooists, Inc.

(b) Tattooist's License. Any person desiring a tattooist's license shall file a written application with the City Clerk, on a form to be furnished by the City Clerk. The applicant shall tender with the application a non-refundable license fee and shall furnish the following information:

(1) The business address and telephone number where the tattoo business is to be practiced;

(2) The following personal information concerning the applicant;

A. The name, complete residence, address and residence telephone number;

B. The two previous addresses immediately prior to the present address of the applicant;

C. Written proof showing date of birth;

D. Height, weight, color of hair and eyes and sex;

E. Two front-face portrait photographs taken within thirty days of the date of the application, at least two inches by two inches in size;

F. The tattoo or similar business history and experience, including, but not limited to, whether or not such person, in previously operating in this or another city or state under a license or permit, has had such a license or permit denied, revoked or suspended, the reason therefor and the business activities or occupations subsequent to such action of denial, suspension or revocation;

G. All criminal convictions, other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted, the offense for which convicted and the circumstances thereof; and

H. A complete set of fingerprints taken and to be retained on file by the Police Chief or his or her authorized representative;

(3) Authorization for the City and its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit; and

(4) A written declaration by the applicant, under penalty of perjury, that the information contained in the applications is true and correct. Such declaration shall be duly dated and signed in the City.

(5) A Certificate of Membership from the Alliance of Professional Tattooists, Inc.

(6) An annual health certificate. The health certificate shall be issued by a legally licensed physician. Such certificate shall attest to the fact that the bearer has been actually and thoroughly examined by such physician and was free from any transmittable, infectious, or contagious disease. The examination shall specifically include a chest x-ray and blood test for syphilis, gonorrhea, herpes, AIDS, hepatitis and any other infectious or contagious diseases. All of the information and test results thereof and the dates and other information required to be shown on the health certificate, except the employee's signature, shall be placed thereon by the physician issuing the certificate or under the direction of such physician. No such health certificate shall be valid unless it contains all off the infounation shown to be required thereon. A health certificate required by this chapter shall bear the signature of the individual named thereon, the signature of

the physician executing the examination, tests upon which such certificate is based, and shall be in the following form which shall be furnished to the physician by the City Clerk upon request:

CITY OF EASTPOINTE  
HEALTH CERTIFICATE

Issued \_\_\_\_\_, 2003

This certificate is valid for One Year Only - Post Conspicuously for Inspection

This certifies that \_\_\_\_\_

Address \_\_\_\_\_

Occupation \_\_\_\_\_

Employed at \_\_\_\_\_

Address \_\_\_\_\_

Was actually and thoroughly examined for Skin, Eyes, Ears, Nose, Throat, Mouth, Lungs and Genital problems or abnormalities.

Further, a scrological test was made on (date) \_\_\_\_\_

and a Chest X-Ray was administered on (date) \_\_\_\_\_

with results as follows: \_\_\_\_\_

Other tests: \_\_\_\_\_

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The bearer of this certificate was found free from any infectious or contagious diseases in a transmittable condition, including syphilis, gonorrhea, herpes, AIDS and hepatitis.

A description of the bearer of this certificate is as follows:

Color of Eyes: \_\_\_\_\_

Color of Hair: \_\_\_\_\_

Height: \_\_\_\_\_

Weight: \_\_\_\_\_

Race: \_\_\_\_\_

Sex: \_\_\_\_\_

Age: \_\_\_\_\_

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Doctor: \_\_\_\_\_

Address: \_\_\_\_\_

Doctor's signature: \_\_\_\_\_

License No. \_\_\_\_\_

Employee's signature: \_\_\_\_\_

(Ord. 787. Passed 8-25-92; Ord. 935. Passed 12-16-03.)

#### **871.05 INVESTIGATIONS BY POLICE CHIEF; INSPECTIONS.**

(a) Upon receiving an application for a tattoo business license, the City Clerk shall refer such application to the Police Chief, who shall conduct an investigation into the applicant's moral character and personal and criminal history. The Police Chief may, in his or her discretion, require a personal interview of the applicant and such further information, identification and physical examination of the person as shall bear on the investigation.

(b) In the case of an application for a tattoo business license, the Police Chief shall cause to be conducted an investigation of the premises where the tattoo business is to be carried on for the purpose of ensuring that such premises comply with all the sanitation requirements set forth in this chapter and with the ordinances of the City relating to public health, safety and welfare.

(c) An applicant for a tattoo business license shall submit to lawful inspections by the Building Department, Police Department, Fire Department, Public Health Department and such other departments as may be necessary to ensure that the proposed business and applicant comply with all applicable ordinances and regulations of the City. The Police Chief may refuse to submit any application for approval to Council until he or she has a report from any department that he or she feels is necessary to make an inspection that the applicant or proposed premises comply with all ordinances and regulations.

(d) Before the City Clerk shall issue any license under this chapter, the Police Chief shall first submit to the City Clerk, within forty-five days of the receipt of an application, a report of his or her investigations and inspections and his or her recommendation.

(Ord. 787. Passed 8-25-92.)

#### **871.06 ISSUANCE OF LICENSES; CONDITIONS FOR DENIAL.**

The City Clerk, upon receipt of an application for a license required by this chapter, and the reports and recommendations of the Police Chief, shall place such application upon the agenda for the next regularly scheduled Council meeting, provided that such meeting is not less than six days from the date of receipt of such application by the City Clerk. If it is less than six days from such receipt, such application shall be placed upon the agenda for the following meeting of Council.

Council shall determine whether or not such license shall be issued after reviewing the reports of investigations and inspections and the recommendations of the Police Chief and other code enforcement officers. Council shall direct the City Clerk to issue a tattoo parlor license or a tattooist's license within fourteen days, unless it finds that:

(a) The correct license fee has not been tendered to the City, or, in the case of a check or bank draft, such check or draft has not been honored with payment upon presentation.

(b) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, fire, zoning and health ordinances.

(c) The applicant, if an individual; any of the stockholders holding more than ten percent of the stock, any officer and any director, if a corporation; any partner, including a limited partner, if a partnership; and the manager or other person principally in charge of the operation of the business, has been convicted of any crime involving moral turpitude (including, but not limited to, prostitution and pandering), gambling, extortion, fraud, criminal usury, controlled substances, weapons and assault, unless such conviction occurred at least fifteen years prior to the date of the application.

(d) The applicant has knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the City in conjunction therewith.

(e) The applicant has had a tattoo business, tattooist or other similar permit or license denied, revoked or suspended for any of the causes set forth in subsection (c) hereof by the City or any other state of local agency within fifteen years prior to the date of the application.

(f) The applicant, if an individual; any officer or director, if a corporation; any partner, including a limited partner, if a partnership; and the manager or other person principally in charge of the operation of the business, is not over eighteen years of age.

(g) The applicant, manager, employee or any person in charge of the operation has not successfully obtained a certificate of membership from the Alliance of Professional Tattooists, Inc. A certificate of membership from the Alliance of Professional Tattooists, Inc. shall be provided annually to the City by each manager, employee, owner and all persons in charge of the operation.

If Council denies any application, it shall specify the particular grounds for such denial and shall direct the City Attorney to notify the applicant by regular mail, addressed to the applicant at the address shown on the application. Such notice shall specify the grounds for which the application is denied.

(Ord. 787. Passed 8-25-92; Ord. 935. Passed 12-16-03; Ord. 950. Passed 4-5-05.)

### **871.07 HEARINGS ON APPEALS OR VARIANCES.**

(a) Within twenty days of the date of denial of an application for a tattoo business license, the applicant may request, in the form of a written application to the City Clerk, a hearing before Council for reconsideration of his or her license application or for a variance of any of the provisions of this chapter, the violation of which provision constituted grounds for the original denial of the application. Such hearing shall be conducted as follows:

(1) At the hearing, the applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial no longer exist.

(2) After reviewing an applicant's evidence, Council shall determine whether to sustain the denial or grant the application for the license.

(3) At the hearing, the applicant and his or her attorney may present a statement and adequate evidence showing that:

A. There are exceptional or extraordinary circumstances or conditions applying to the proposed tattoo parlor referred to in the appeal application submitted to the City Clerk, which circumstances or conditions do not apply generally to any proposed tattoo parlor; or

B. The granting of such tattoo business license will not, under circumstances of the particular case, materially affect adversely the health, safety or welfare of the persons residing or working in the neighborhood or attending any tattoo parlor, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to the immediate neighborhood or the City at large.

(b) In all cases where Council grants a variance of any provision of this chapter, Council shall find that:

(1) The granting of the variance, under such conditions as Council may deem necessary or desirable to apply thereto, will be in harmony with the general purpose and intent of this chapter; and

(2) It will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(Ord. 787. Passed 8-25-92.)

#### **871.08 INSPECTIONS OF BUSINESS PREMISES; COMPLIANCE WITH CHAPTER; DISPLAY OF LICENSE; CHANGES OF INFORMATION.**

(a) Every licensee/applicant under this chapter shall permit all reasonable inspections of his or her business premises and shall at all times comply with the laws and regulations applicable to such business premises, including after the expiration of the license and during the period the license may be revoked or suspended.

(b) A tattoo business licensee/applicant shall display his or her license in an open and conspicuous place on the premises of the tattoo business.

(c) If, while any application for a tattoo business license is pending, or during the term of any license granted hereunder, there is any change in fact, policy or method which would alter the information provided in such application, the applicant/licensee shall notify the Police Chief of such change, in writing, within seventy-two hours after such change.

(Ord. 787. Passed 8-25-92.)

#### **871.09 LICENSE FEES; EXPIRATION; TRANSFERS.**

(a) The fees for a tattoo business license shall be established, from time to time, by resolution of Council.

(b) All licenses granted under this chapter shall expire on June 30 of each year.

(c) No tattoo business license is transferable, separable or divisible, and the authority that a license confers shall be conferred only on the licensee named therein.

(Ord. 787. Passed 8-25-92.)



### **871.10 RECORDS OF APPOINTMENTS.**

Every person who operates a tattoo business, practices tattooing or provides a tattoo shall at all times keep an appointment book in which the name, age and address of each patron shall be entered, together with the time, date and place of service and the service provided. Such appointment book shall be available at all times for inspection by the Police Chief or his or her authorized representatives, and such appointment book shall be kept on file for one year from the date of the last entry therein.

(Ord. 787. Passed 8-25-92.)

### **871.11 SANITATION AND SAFETY OF PREMISES AND EMPLOYEES.**

(a) All premises used by a licensee under this chapter shall be periodically inspected by the Police Chief, the Building Official and the Fire Chief, or their authorized representatives, for the safety of the structure and the adequacy of the plumbing, ventilation, heating and illumination. The following minimum standards shall be maintained:

(1) Walls shall be clean and painted with washable, mold-resistant paint in all rooms.

(2) Floors shall be free from any accumulation of dust, dirt or refuse.

(3) All equipment used in the tattoo operation shall be maintained in a clean and sanitary condition.

(4) Towels, linen and items for the personal use of tattoo operators and patrons shall be clean and freshly laundered. Towels, cloths and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets, provided that such paper is changed for every patron.

(b) Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each twenty or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

(c) Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

(d) The skin or hands of a person attending patrons shall be clean and in a healthy condition, and such person's nails shall be kept short. The hands shall be washed thoroughly before giving the patron any attention.

(Ord. 787. Passed 8-25-92.)

### **871.12 COMPLIANCE WITH MEDICAL WASTE REGULATORY ACT.**

Each owner-operator of a tattoo parlor must comply with all terms of the State Medical Waste Regulatory Act as set forth in M.C.L.A. 333.13801 through 333.13831.

(Ord. 787. Passed 8-25-92.)

### **871.13 PRESENCE OF MINORS UPON PREMISES.**

No person shall permit any person under eighteen years of age to come or remain on the premises of any tattoo parlor business establishment as a tattoo operator, employee or patron, unless such person is on the premises on lawful business.

(Ord. 787. Passed 8-25-92.)

### **871.14 HOURS OF OPERATION.**

No person shall open or operate, or cause to be opened or operated, in the City, any tattoo parlor between 12:00 midnight and 7:00 a.m. of the following day.

(Ord. 787. Passed 8-25-92.)

### **871.15 ALCOHOLIC BEVERAGES.**

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any tattoo business.

(Ord. 787. Passed 8-25-92.)

### **871.16 ENFORCEMENT.**

The City Clerk shall establish reasonable administrative procedures necessary for the operation and enforcement of this chapter.

(Ord. 787. Passed 8-25-92.)

### **871.17 COMPLIANCE WITH PERMIT AND FEE REQUIREMENTS.**

No person, except those persons who are specifically exempted by this chapter, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner, employee or operator, or acting as a participant or worker in any way, shall give a tattoo or conduct a tattoo establishment without first obtaining a permit therefor and paying a license fee to the City.

(Ord. 787. Passed 8-25-92.)

### **871.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)